



January 31, 2002

## HOUSE BILL No. 1335

DIGEST OF HB 1335 (Updated January 29, 2002 6:14 PM - DI 106)

**Citations Affected:** Noncode.

**Synopsis:** ADR pilot project. Reauthorizes the Allen County alternative dispute resolution (ADR) pilot project for parties contemplating divorce. Provides that the ADR project may include nonbinding arbitration. Permits a county other than Allen County to operate an ADR pilot project if the county: (1) uses a plan approved by the judicial conference; or (2) obtains approval by the judicial conference for a new plan.

**Effective:** July 1, 2002.

**Pond, Sturtz, Moses, Kuzman**

January 15, 2002, read first time and referred to Committee on Judiciary.  
January 30, 2002, reported — Do Pass.

C  
o  
p  
y

HB 1335—LS 6472/DI 106+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1335

A BILL FOR AN ACT concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. P.L.107-2000, SECTION 2, IS AMENDED TO READ  
2 AS FOLLOWS [EFFECTIVE JULY 1, 2002]: (a) This SECTION  
3 applies to the circuit and superior courts of a county having a  
4 population of more than three hundred thousand (300,000) but less  
5 than four hundred thousand (400,000) in which dissolution of marriage  
6 actions are filed.  
7 (b) Notwithstanding IC 33-19-5-4, if a county meets the  
8 requirements of this SECTION, the clerk of the court shall collect from  
9 the party filing a dissolution of marriage action under IC 31 after  
10 December 31, 1997, a civil costs fee of one hundred twenty dollars  
11 (\$120). Within thirty (30) days after the clerk collects a fee, the clerk  
12 shall forward to the county auditor the difference between the fees  
13 collected under this subsection and the fees that would have been  
14 collected under IC 33-19-5-4. The county auditor shall deposit the fees  
15 forwarded by the clerk under this subsection into the alternative dispute  
16 resolution fund of the court for which the fees were collected.  
17 (c) There is established an alternative dispute resolution fund for the  
18 circuit court and an alternative dispute resolution fund for the superior

HB 1335—LS 6472/DI 106+



C  
o  
p  
y

1 court. The exclusive source of money for each fund shall be the fees  
 2 collected under subsection (b) for the circuit or superior court,  
 3 respectively. The funds shall be used to foster alternative dispute  
 4 resolution, including mediation, reconciliation, **nonbinding**  
 5 **arbitration**, and parental counseling. Litigants referred by the court to  
 6 services covered by the fund shall be required to make a copayment for  
 7 the services in an amount determined by the court. The funds shall be  
 8 administered by the circuit or superior court, respectively. Money in  
 9 each fund at the end of a fiscal year does not revert to the county  
 10 general fund, but remains in the fund for the uses specified in this  
 11 subsection.

12 (d) A county desiring to participate in the program under this  
 13 SECTION must submit an initial plan to the Indiana judicial  
 14 conference not later than September 30, 1997. The plan must include  
 15 information concerning how the county proposes to carry out the  
 16 purposes of the alternative dispute resolution fund as set out in  
 17 subsection (c). The judicial conference shall determine from the plan  
 18 submitted under this subsection whether to approve the county's  
 19 participation in the program. **operate its program in accordance with**  
 20 **a plan approved by the judicial conference.** The county may amend  
 21 the plan submitted under this subsection at any time with the approval  
 22 of the judicial conference. The judicial conference may request such  
 23 additional information from the county as necessary to assist in a  
 24 determination under this subsection.

25 (e) A county that participates in the program under this SECTION  
 26 shall submit a report to the Indiana judicial conference not later than  
 27 ~~December 31, 1999~~, **December 31, 2004**, summarizing the results of  
 28 the program through ~~1999~~. **2004**. The county shall submit a final report  
 29 to the Indiana judicial conference not later than ~~December 31, 2001~~.  
 30 **December 31, 2006.**

31 (f) This SECTION expires ~~July 1, 2002~~. **July 1, 2006.**

32 SECTION 2. [EFFECTIVE JULY 1, 2002] (a) **This SECTION**  
 33 **applies to the circuit and superior courts of a county other than a**  
 34 **county with a population of more than three hundred thousand**  
 35 **(300,000) but less than four hundred thousand (400,000).**

36 (b) Notwithstanding IC 33-19-5-4, if a county meets the  
 37 requirements of this SECTION, the clerk of the court shall collect  
 38 from the party filing a dissolution of marriage action under IC 31  
 39 after December 31, 2002, a civil costs fee of one hundred twenty  
 40 dollars (\$120). Not later than thirty (30) days after the clerk  
 41 collects a fee, the clerk shall forward to the county auditor the  
 42 difference between the fees collected under this subsection and the



C  
o  
p  
y

1 fees that would have been collected under IC 33-19-5-4. The county  
2 auditor shall deposit the fees forwarded by the clerk under this  
3 subsection into the alternative dispute resolution fund of the court  
4 for which the fees were collected.

5 (c) There is established an alternative dispute resolution fund  
6 for the circuit court and an alternative dispute resolution fund for  
7 the superior court. The exclusive source of money for each fund  
8 shall be the fees collected under subsection (b) for the circuit or  
9 superior court, respectively. The funds shall be used to foster  
10 alternative dispute resolution, including mediation, reconciliation,  
11 nonbinding arbitration, and parental counseling. Litigants referred  
12 by the court to services covered by the fund shall make a  
13 copayment for the services in an amount determined by the court.  
14 The funds shall be administered by the circuit or superior court,  
15 respectively. Money in each fund at the end of a fiscal year does not  
16 revert to the county general fund, but remains in the fund for the  
17 uses specified in this subsection.

18 (d) A county desiring to participate in the program under this  
19 SECTION must:

- 20 (1) operate its program in accordance with a plan previously
- 21 approved by the Indiana judicial conference; or
- 22 (2) operate its program in accordance with a new plan
- 23 approved by the Indiana judicial conference.

24 A plan submitted under subdivision (2) must be submitted to the  
25 Indiana judicial conference not later than September 30, 2002. The  
26 plan must include information concerning how the county proposes  
27 to carry out the purposes of the alternative dispute resolution fund  
28 as set out in subsection (c). The Indiana judicial conference shall  
29 determine from the plan submitted under this subsection whether  
30 to approve the county's participation in the program. The county  
31 may amend the plan described in subdivision (1) or (2) at any time  
32 with the approval of the Indiana judicial conference. The Indiana  
33 judicial conference may request such additional information from  
34 the county as necessary to assist in a determination under this  
35 subsection.

36 (e) A county that participates in the program under this  
37 SECTION shall submit a report to the Indiana judicial conference  
38 not later than December 31, 2003, summarizing the results of the  
39 program through 2003. The county shall submit a final report to  
40 the Indiana judicial conference not later than December 31, 2003.

41 (f) This SECTION expires July 1, 2006.



C  
o  
p  
y

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

C  
o  
p  
y

HB 1335—LS 6472/DI 106+

